IN THE HIGH COURT OF Uttaranchal
AT NAINITAL
Second Appeal No. 29 of 2006

Sri Ramji Pandey S/o Sri Lallaramji Pandey
R/o Ram Lakhan Mahavir Ashram
Shravan Nath Nagar
Haridwar Pargana Jwalapur
Tehsil & District Haridwar ...Appellant

Vs.

Sri Mandir Narsingh Puri
Sri Ramanandiya
Sri Vaishnav Narsingh Dham Trust
Haridwar through its
President cum Managing Trustee Mahant
Ayodhya Das Disciple of Mahant Narayan Das Ji
R/o Narsingh Dham Shrawan Nath Nagar
Haridwar Pargana Jwalapur
Tehsil & District Haridwar ...Respondent

Sri Sudhir Kumar & Sri Pankaj Miglani, learned counsel for the appellant
Sri Arvind Vashisth, learned counsel for the respondent

Hon'ble B.C. Kandpal, J.

This second appeal has been preferred by the defendant against the judgment and decree dated 03.04.2006 passed by Additional District Judge/4th F.T.C., Haridwar in Civil Appeal No. 80 of 2001 whereby the appeal filed by the defendant/appellant was dismissed and confirmed the judgment and decree dated 20.08.2001 passed by the trial court in Civil Suit No. 311 of 1995.

2. Brief facts of the case are that the respondent/plaintiff filed a suit before the Civil Judge (Senior Division), Haridwar who decreed the suit in favour of the respondent/plaintiff vide judgment and decree dated 20.08.2001.

3. Feeling aggrieved by the aforesaid judgment, the defendant/appellant preferred an appeal before the first

appellate court which was also dismissed vide judgment and decree dated 03.04.2006

5. Feeling aggrieved by the aforesaid judgments and decree, this second appeal has preferred by the defendant/appellant.

6. Having considered the arguments advanced by the learned counsel for the appellant and after perusal of the evidence on record, I am of the view that, this second appeal is concluded by concurrent finding of facts, I, therefore, do not find any ground to interfere in the impugned judgments and orders passed by the courts below. Both the courts below have recorded concurrent finding of fact which cannot be interfered at state of second appeal. I also do not find any substantial question of law involved in this case.

7. The second appeal lacks merit and is liable to be dismissed.

8. Accordingly, the second appeal is dismissed in-limine.

(B.C. Kandpal, J.)

30.10.2006
ASWAL